

ORIGINAL

FILED

April 6 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0402

STATE OF MONTANA,

Plaintiff and Appellee,

v.

ROBERT HOUGHTON,

Defendant and Appellant.

FILED

APR 06 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

**MOTION FOR EXTENSION OF TIME  
AND AFFIDAVIT IN SUPPORT**

Joslyn Hunt, counsel of record for Defendant and Appellant, respectfully requests an extension of time until April 28, 2010, in which to prepare, file, and serve the Appellant's reply brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 6<sup>th</sup> day of April, 2010.

OFFICE OF THE STATE PUBLIC DEFENDER  
Appellate Defender Office  
139 N. Last Chance Gulch  
P.O. Box 200145  
Helena, MT 59620-0145

By: *Joslyn Hunt*  
JOSLYN HUNT  
Chief Appellate Defender

STATE OF MONTANA            )  
  : ss.

County of Lewis and Clark    )

I, Joslyn Hunt, being first duly sworn upon my oath, depose and state as follows:

1.     I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office, as the Chief Appellate Defender.

2.     In my capacity as Chief Appellate Defender, former Assistant Appellate Defender Kelli Sather was assigned to handle the above-entitled matter. Since Ms. Sather no longer works for the Appellate Defender Office, I have assumed responsibility over Appellant's case.

3.     Appellant's reply brief was first due on April 1, 2010. Appellant requested and was granted one extension. The reply brief is currently due on April 14, 2010.

4.     I am preparing for oral argument that is scheduled on April 21, 2010. I also just completed a reply brief for another client, as well as research for a potential certiorari petition and completion of a sentence review brief for an upcoming hearing.

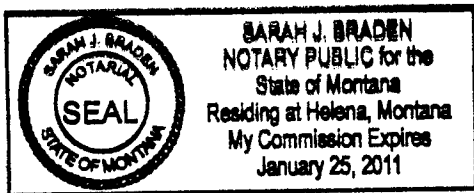
5.     In order to ensure the most thorough review of Appellant's case file and to give Appellant adequate time to review and discuss the draft reply brief I

develop for him, I need an additional 14 days within which to prepare, file, and serve Appellant's reply brief.

6. I will work diligently to complete the matter in the time requested.
7. Opposing counsel has been contacted concerning this motion and does not object.
8. Further your affiant sayeth naught.

*Joselyn Hunt*  
JOSLYN HUNT

SUBSCRIBED AND SWORN to before me this 6<sup>th</sup> day of April, 2010.



*Sarah J. Braden*  
Sarah J. Braden

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and accurate copy of the foregoing  
Motion for Extension of Time and Affidavit in Support to be mailed to:

STEVE BULLOCK  
Montana Attorney General  
MICHEAL S. WELLENSTEIN  
Assistant Attorney General  
215 North Sanders  
P.O. Box 201401  
Helena, MT 59620-1401

MARTY LAMBERT  
Gallatin County Attorney  
1709 W. College  
Bozeman, MT 59715

ROBERT HOUGHTON 3002846  
Montana State Prison  
700 Conley Lake Road  
Deer Lodge, MT 59722

DATED: 4/6/2010 